

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING--October 13, 1965

Appeals #8391 & #8419 National Bank of Washington, Robert and Donald Nash,
Trustees, appellants.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and carried with Mr. Hatton not voting the following Order was entered on October 19, 1965:

ORDERED:

That the appeals for a variance from the FAR requirements of the R-5-A District for a variance from the use provisions of the R-2 District to permit a combined FAR of 1.1 on the entire subject site; for permission to park on lots other than the lots upon which the main buildings are located, and for permission to park anywhere upon the lots upon which the main buildings are located on the west side of Benning Rd. between G and H Sts., 47th Street and east of G Street, S.E., lots 292 thru 295, 273 thru 280, 824, 253 thru 256, 150 thru 168, 169 thru 172, 67, 812, 49 thru 64, 65, 66, 2, 800, 801, 3, 231 thru 238, 247 thru 252, square 5359; on east side of 47th Street, north of G Street, S.E., lots 99 thru 118, square 5358, be granted.

As the result of an inspection of the property by the Board, and from the records and the evidence adduced at the hearing, the Board finds the following facts:

(1) Appellant's property consists of three parcels of land along Benning Road with portions of said land being located in the R-5-A District and in the R-2 District. The proposed buildings will be located on the R-5-A District land and the R-2, which will be computed in the total FAR requested, will be used primarily for off-street parking.

(2) This general area was the subject of a case before the Zoning Commission in April of 1965 requested the extension of the R-5-A District to include this R-2 property. The Zoning Advisory Council in that case submitted the following:

"The existing zoning line on west side and subject of this proposed amendment was established along lot and alley lines which are poorly related to the topography. The proposed change would place the zoning boundary in a more realistic relationship with the topography and the way the land can be developed. In other words, the odd parcels of land now zoned R-2 and requested for change slope sharply toward Benning Road with numerous irregularities and can be most logically developed in conjunction with the Benning Road frontage now zoned R-5-A."

(3) Exhibit #1 showing proposed layout of this development which indicates approximately 519 apartments; a total parking area for 519 automobiles; with an FAR of 1.1 and a percentage of lot coverage of 20%.

(4) Exhibit #13 is statement giving estimated costs for storm and sanitary sewers for approximately 156,200.00.

(5) Exhibit #12 is statement of excavation required for approximately 150,000 cubic yards and location of disposal at \$1.75 per cubic yard for a total of \$162,500.00.

(6) Exhibit #11 is a statement of Charles E. Reed, ScD giving the construction cost per unit for the proposed apartments.

(7) Appellant states that these appeals should be considered as one entire site for the proposed project and because of the exceptional topography, shape, location, soil bearing quality, street pattern, and split zoning of the entire site, a development and use according to strict application of the Zoning Regulations would be impossible and cause an exceptional and undue hardship upon the owner.

(8) Exhibit #7 is letter from Frederick W. Berens, Inc. stating that loans could not be made on the basis of a 28 inch high retaining wall costing \$45,000 to \$50,000 together with excess excavation costs and storm drainage in the amount of approximately \$130,150.00.

(9) Appellant states that the granting of this appeal is not inconsistent with the intent, purpose, and integrity of the zone plan and the preservation of public interest. He states that the proposed buildings will cover only 20% of the entire site, while zoning permits a 40% coverage. He further states that except for the long term low rate loan presently available from the Federal Government for this project under Sect. 221d (3) of the National Housing Act, the project would be unfeasible.

(10) There was no objection to the granting of this appeal registered at the public hearing. The Benning-Ridge Civic Association has gone on record in favor of the granting of this appeal.

OPINION:

It is the opinion of the Board that due to the shape, topography, location, soil bearing quality and the split zoning on the entire site, together with costs for retaining walls, excess excavation and storm drainage requirements, that appellant has proven a hardship within the provisions of Section 8207.11 of the Zoning Regulations. The Board also recognizes the report of the Zoning Advisory Council on this property in which it felt that some type of relief could be afforded through Board of Zoning Adjustment action.

The Board feels that the relief granted is fair and equitable to appellant, and that this development as shown by plans on file, can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the zoning regulations and maps. We are further of the opinion that a denial of this request would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the appellant.